

KELLEY DRYE & WARREN LLP

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October 1, 2004

ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

RECEIVED

OCT - 1 2004

Federal Communications Commission  
Office of Secretary

Re: *In the Matter of Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338  
Access to Confidential Materials – Supplemental Request

Dear Ms. Dortch:

Pursuant to the Protective Order adopted in the above-referenced proceedings,<sup>1</sup> the Loop and Transport CLEC Coalition (comprised of Advanced Telcom, Inc., Birch Telecom, Inc., Broadview Networks, Inc., Eschelon Telecom, Inc., Grande Communications, Inc., KMC Telecom, Inc., SNiP LiNK, LLC, Talk America Inc., Xspedius Management Co. LLC, and XO Communications Inc.) hereby submits the attached copies of the Acknowledgements of Confidentiality (Appendix B to the Protective Order) signed by the following (the "Signatories"):

- Brad E. Mutschelknaus, Partner, Kelley, Drye & Warren LLP;
- Steven A. Augustino, Partner, Kelley Drye & Warren LLP;
- Jonathan E. Canis, Partner, Kelley Drye & Warren LLP;
- Stephanie A. Joyce, Associate, Kelley Drye & Warren LLP;
- Andrea D. Edmonds, Associate, Kelley Drye & Warren LLP;
- Erin Swansiger, Associate, Kelley Drye & Warren LLP;

<sup>1</sup> *Unbundled Access to Network Elements*, Protective Order, 19 FCC Rcd 16292 at Appendix A (2004) ("Protective Order")

No. of Copies rec'd 0+4  
List ABCDE

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary  
October 1, 2004  
Page Two

- Garret R. Hargrave, Associate, Kelley Drye & Warren LLP;
- Mike Duke, Director of Government Affairs, KMC Telecom;
- Steve Bogdan, Regulatory Manager, Broadview Networks, Inc.; and
- Rebecca H. Sommi, VP Operations and Support, Broadview Networks, Inc.

The Loop and Transport CLEC Coalition seeks access to confidential versions of documents filed in the above-referenced proceedings by MCI, AT&T, and United States Telecom Association ("USTA") (the "Parties"). All of the Signatories fall within the "Permissible Disclosure" categories described in paragraph 5 of the Protective Order.

As stated in the attached certificate of service, counsel for each party has been served, via Facsimile and Hand Delivery, with a copy of this letter and the executed Acknowledgements of Confidentiality.

Due to the brief interval between the filing of comments and reply comments in this proceeding, The Loop and Transport CLEC Coalition requests that this letter toll the three business day waiting period established in paragraph 8 of the Protective Order so that the Signatories can have immediate access to the confidential material, if any, filed by the ILEC Parties. Any delay in the ability to review such confidential material would prejudice The Loop and Transport CLEC Coalition's ability to file timely reply comments.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie A. Joyce", with a long horizontal flourish extending to the right.

Stephanie A. Joyce, Esq.

Attachments – Acknowledgements of Confidentiality

cc: Attached Service List

## APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 &amp; WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.


Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

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Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 30 day of September, 2004



Brad E. Mutchelknaus  
Partner  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Jonathan E. Canis

Partner

Kelley, Drye &amp; Warren, LLP

1200 19th Street, N.W., Ste. 500

Washington, D.C. 20036

202-955-9600

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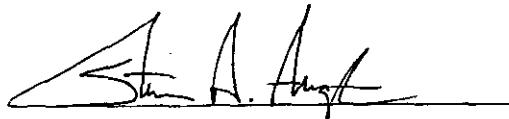
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Executed at Washington, D.C. this 30 day of September, 2004



Steven A. Augustino  
Partner  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Stephanie A. Joyce  
Associate  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Andrea D. Edmonds  
Associate  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

## Federal Communications Commission

DA 04-3152

## APPENDIX B

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CC Docket No. 01-338 &amp; WC Docket No. 04-313

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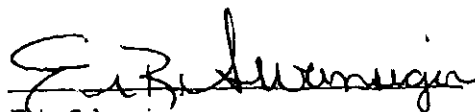
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Executed at Washington, D.C. this 30 day of September, 2004



Erin Swansiger

Associate

Kelley, Drye &amp; Warren, LLP

1200 19th Street, N.W., Ste. 500

Washington, D.C. 20036

202-955-9600



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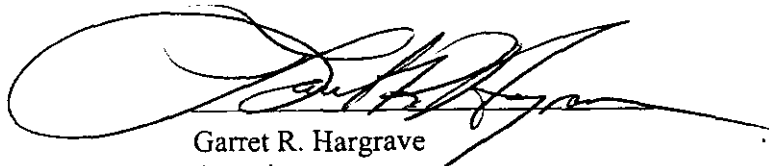
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Garret R. Hargrave  
Associate  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

Federal Communications CommissionDA 04-3152

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Executed at Lawrenceville, GA this 30<sup>th</sup> day of September, 2004

Mike Duke  
[Name] Mike Duke  
[Position] DIRECTOR OF Gov't Affairs  
[Address] KMC Telecom  
[Telephone] 1755 North Brown Road  
Lawrenceville, GA 30043  
678.985.6266

## Federal Communications Commission

DA 04-3152

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Executed at \_\_\_\_\_ this 30 day of September, 2004

[Name]

Steve Bogdan

[Position]

Regulatory Manager

[Address]

400 Horsham Rd.

[Telephone]

Horsham, PA 19044

(215) 293-8773

## Federal Communications Commission

DA 04-3152

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Executed at \_\_\_\_\_ this 30 day of SEPTEMBER, 2004.

  
[Name] \_\_\_\_\_  
[Position] VP OPERATIONS SUPPORT  
[Address] 400 HOLSTON ROAD  
HOLSTON, TN 37044  
[Telephone] 215-293-8715

## CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 1st day of October, 2004, I caused to be served a true and correct copy of the foregoing letter and Acknowledgements of Confidentiality by Hand Delivery\* and Electronic Mail\*\* to the following:

### USTA

Michael K. Kellogg\*  
Mark L. Evans  
Sean A. Lev  
Kellogg, Huber, Hanson, Todd & Evans, PLLC  
1615 M Street, NW, Suite 400  
Washington, D.C. 20036  
Fax: 202-326-7999

Michael T. McMenamin\*  
USTA  
1401 H Street, N.W.  
Suite 600  
Washington, D.C. 20005-2164

### AT&T

David L. Lawson\*  
C. Fredrick Beckner III  
Sidley Austin Brown & Wood LLP  
1501 K Street, N.W.  
Washington, D.C. 20005

Joan Marsh\*  
AT&T  
1120 20<sup>th</sup> Street, N.W.  
Suite 100  
Washington, D.C. 20036

### MCI

Ruth Milkman\*  
A. Renee Callahan  
Lawler, Metzger and Milkman, LLC  
2001 K Street, N.W.  
Suite 802  
Washington, D.C. 20006

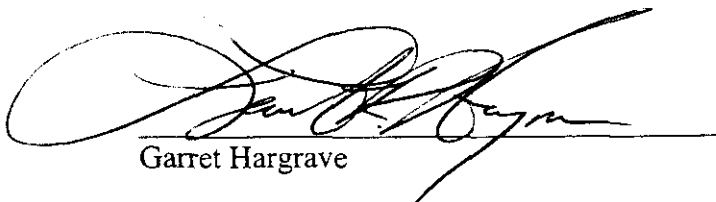
### FCC

Russell Hanser \*\*  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Jeremy Miller \*\*  
Assistant Division Chief  
Competition Policy Division  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Gary Remondino \*\*  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
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Janice Myles \*\*  
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Washington, D.C. 20554



Garret Hargrave